

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**COMPLETE TITLE OF CASE:**

**WILLIAM RANDALL COLLIER, ET AL., APPELLANTS,**

**v.**

**EDWARD M. MANRING, EDWARD M. MANRING, P.C., AND MANRING &  
PARMAN, P.C., RESPONDENTS.**

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DOCKET NUMBER WD70268

DATE: May 4, 2010

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Appeal From:  
GENTRY COUNTY CIRCUIT COURT  
THE HONORABLE DAREN LEE ADKINS, JUDGE

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Appellate Judges:  
Division One: Lisa White Hardwick, P.J., James M. Smart, Jr., and Alok Ahuja, JJ.

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Attorneys:

Stephen S. Brown, Kansas City, MO, **for appellant.**

Robert A. Brown, Jr., St. Joseph, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**WILLIAM RANDALL COLLIER, ET AL., APPELLANTS**

**v.**

**EDWARD M. MANRING, EDWARD M. MANRING, P.C., AND MANRING & PARMAN, P.C., RESPONDENTS**

WD70268

Gentry County

Before Division One Judges: Lisa White Hardwick, P.J., James M. Smart, Jr., and Alok Ahuja, JJ.

Father attempted to change his estate plan and leave certain assets to Son. Father's Attorney neglected to have Daughter, a co-trustee, sign the documents changing the estate plan. After Father's death, Daughter claimed that the estate plan was not changed and the assets should not pass to Son. Son sued Daughter and Attorney. Son settled with Daughter, and the only remaining claim was the legal malpractice claim against Attorney. Son sought the cost incurred when he had to sue Daughter because the estate documents were not properly executed. The trial court granted summary judgment in favor of Attorney. Son appeals.

**VACATED AND REMANDED.**

**Division One holds:**

Necessary and reasonable attorneys' fees may be recoverable as damages when collateral litigation results from an attorney's negligence. Here, even though claims against a co-trustee and against the attorney were contained in the same petition, the plaintiffs asserted separate sets of claims against two distinct defendants. The plaintiffs are entitled to bring a claim against the attorney for the fees incurred in suing the co-trustee because of the attorney's negligence. The plaintiffs are not precluded in principle from seeking attorney fees based on the general rule that each side will ordinarily be responsible for its own attorneys' fees.

**Opinion by: James M. Smart, Jr., Judge**

May 4, 2010

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